IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH OCTOBER 2006 / 5TH KARTHIKA 1928

OP.No. 8283 of 2001(J)

PETITIONER:

K.SURESH KUMAR, SREEVILASAM,
EZHUKONE, KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:
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1. **THE KERALA TODDY WORKERS WELFARE FUND BOARD, KOLLAM, REP.BY THE WELFARE FUND INSPECTOR.**

2. **THE WELFARE FUND INSPECTOR, KERALA TODDY WORKERS WELFARE FUND BOARD, KOLLAM.**

3. **THE DEPUTY TAHSILDAR (REVENUE RECOVERY), KOTTARAKKARA, KOLLAM DT.**

BY ADV. SRI.K.K.BABU
GOVERNMENT PLEADER
SRI.RENIL ANTO, SC, KTWWF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.13333/2001 IN OP. NO.8283/2001

DISMISSED

27.10.2006 **SD/- C.N.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER PASSED BY THE ASSISTANT EXCISE COMMISSIONER, KOLLAM NO.Q4/2294/97 DT.3.7.1997.

EXT.P2:- COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT NO.DQ.1485 /01 DT.30.1.2001.

EXT.P3:- COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 1ST RESPONDENT NO.Q-E3//KOTTARAKKARA/1-6-, 40-42/97-2001 DT. 20.3.01.

/TRUE COPY/

tss

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.8283 of 2001

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Dated this the 27th day of October, 2006.

JUDGMENT

The O.P. is filed on petitioner's assumption that the amount sought to be recovered pertains to arrears of Toddy Workers Welfare Fund contribution due in respect of Toddy Shop Nos.1 to 54 in Kottarakkara Range payable for the year 1997-98. Standing Counsel produced written statement from the second respondent wherein it is stated that the entire arrears of Kottarakkara Range is paid by the petitioner contrary to the statement in the O.P. In fact, according to the statement, the arrears sought to be recovered pertains to Toddy Shop Nos.55 to 96 in Chadayamangalam Range. The petitioner is admittedly licencee for all the shops and has made part payment. Therefore, petitioner's case that business was carried on by others to whom petitioner entrusted toddy shops, does not deserve to be considered. In any case petitioner being the licencee is accountable for others who carried on business on his behalf. In the circumstances, O.P. filed based on mistaken assumption of facts and based on above contentions is only liable to be dismissed and I do so.

C.N.RAMACHANDRAN NAIR
Judge

pms